

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

KATHY REAVES,) Civil Action No.: 4:07-1334-TLW-TER
)
)
Plaintiff,)
)
)
-vs-)
)
)
)
COUNTY OF MECKLENBURG,)
COUNTY OF GUILFORD, COUNTY OF) **ORDER**
FORSYTH, ROBERT A. COVINGTON,)
in his professional and individual capacities,)
JACQUELYN C. SMITH, in her)
professional and individual capacities,)
MARY BEATTY COVINGTON, in her)
professional and individual capacities,)
ANGELA C. FOSTER, in her professional)
and individual capacities, SHEILA)
PASSENANT, in her professional and)
individual capacities, and WHITNEY)
ALLSOPP, in her professional and)
individual capacities,)
)
Defendants.)
)

This action has been filed by the plaintiff, who is proceeding *pro se*. This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In his Report, Magistrate Judge Rogers recommends that the defendants’ Forsyth County, Guilford County, Mecklenburg County, Shelia Passenant and Whitney Allsop motions to dismiss be granted, and that this case be dismissed as to all other defendants as well because of the Rooker-Feldman doctrine, a jurisdictional issue, which may be raised by the Court sua sponte. The Report further recommends that, if this Court accepts the recommendation, that all remaining pending motions be deemed moot. The Report

was filed on January 18, 2008. (Doc. # 136). Plaintiff filed objections on January 23, 2008, and February 5, 2008. (Docs. # 139 & #142)

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of this standard, the Court has reviewed, de novo, the Report and the objections thereto. The Court accepts the Report.

THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 136); plaintiff's objections are **OVERRULED** (Doc. # 139 & # 142); defendants' Forsyth County, Guilford County, Mecklenburg County, Shelia Passenant and Whitney Allsop motions to dismiss are **GRANTED** (Docs. # 18, # 20, & # 40); and this case is **DISMISSED** as to all other defendants as well because of the Rooker-Feldman doctrine. Accordingly, all remaining pending motions are deemed **MOOT**.

IT IS SO ORDERED.

s/ Terry L. Wooten

TERRY L. WOOTEN

February 26, 2008

UNITED STATES DISTRICT JUDGE

Florence, South Carolina